

ASSEMBLY BILL

No. 770

**Introduced by Assembly Member Torres
(Coauthor: Assembly Member Ammiano)**

February 26, 2009

An act to add Section 16000.5 to the Welfare and Institutions Code, relating to Indian tribes.

LEGISLATIVE COUNSEL'S DIGEST

AB 770, as introduced, Torres. Indian tribes: foster care and adoption programs.

Existing law provides for child welfare services, which are public social services directed toward, among other purposes, protecting and promoting the welfare of all children, including those in foster care placement. Existing law includes specified findings and declarations of the Legislature relating to child welfare services.

This bill would make it the policy of the state to maximize the opportunities for Indian tribes to operate foster care programs for Indian children pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This bill would require the State Department of Social Services to modify the state foster care plan required under specified provisions of federal law to implement the provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 in a manner that maximizes the opportunities for Indian tribes to operate foster care programs for Indian children.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16000.5 is added to the Welfare and
2 Institutions Code, to read:

3 16000.5. The Legislature finds and declares all of the following:

4 (a) The Fostering Connections to Success and Increasing
5 Adoptions Act of 2008 (Public Law 110-351) provides Indian
6 tribes with the option, effective October 1, 2009, to operate a foster
7 care, adoption assistance, and, at tribal option, a kinship
8 guardianship assistance program under Title IV-E of the Social
9 Security Act (42 U.S.C. Sec. 671 et seq.). The federal government
10 will share the costs of a tribe operating an approved Title IV-E
11 program.

12 (b) It shall be the policy of the state to maximize the
13 opportunities for Indian tribes to operate foster care programs for
14 Indian children pursuant to the federal Fostering Connections to
15 Success and Increasing Adoptions Act of 2008.

16 (c) The State Department of Social Services shall modify the
17 California state plan for Title IV-E of the Social Security Act (42
18 U.S.C. Sec. 671 et seq.), effective July 1, 2002, as amended April
19 1, 2003, after the adoption of final rules by the Administration for
20 Children and Families, to implement the provisions of the federal
21 Fostering Connections to Success and Increasing Adoptions Act
22 of 2008 in a manner to maximize the opportunities for Indian tribes
23 to operate foster care programs for Indian children.